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in our own system. The former, Mr. Lowell thinks, has worked well there, though probably not adapted to our conditions; the success of the latter he considers doubtful even in Switzerland.

The author has thus collected in an attractive form a great amount of information not otherwise accessible in English, and his keen analysis of causes and effects, as well as his grasp of present conditions, makes the book of value not only to students of the theories of government, but to any one who wishes to follow current European events intelligently. C. S. T.

THE LAW OF EVIDENCE IN CIVIL CASES. By Burr W. Jones, of the Wisconsin Bar, Lecturer on Evidence in the University of Wisconsin. San Francisco: Bancroft-Whitney Co. 1896. 3 vols. 18mo. pp. xxviii, 2198.

Mr. Jones has produced three excellent little volumes, which it is safe to predict will be speedily appreciated and used by the profession and by students as well. He is concise, but with no sacrifice of clearness, while he has a faculty of expressing himself in a manner peculiarly easy of comprehension. The primary object has been "to furnish a convenient text-book for trial lawyers, stating tersely the rules of law which govern in the trial of civil cases." The cases cited are numerous, though a full collection of authorities is not attempted as it would be impracticable. There is no very extended discussion but there is quite sufficient for practical purposes; enough to relieve the bareness of mere statement of rules. A key to exhaustive inquiry is furnished by the references to articles in periodicals, which are valuable but ordinarily not easy to find because of the necessary limitations of an index pure and simple.

The author shows a clear grasp of his subject, but he does not attempt to supplant long used terms by more accurate ones. His indication of their exact scope may often save a slip, however, while the information is still in a workable form. On page 23 it is said, "Yet it may well be urged that all of these so-called conclusive presumptions may be more properly described as rules of law than as conclusive presumptions of law." Had this been clearly realized, the form of a presumption would never have served as a cloak for judicial legislation which the judges were unwilling to avow.

While it has been impossible to test these volumes exhaustively, they appear to be singularly free from flaws. In treating of the use of writings on cross-examination, however, the writer does not point out the distinction between proof of contents and questioning as to contents for purposes of impeachment only. §§ 232, 850. The general rule, founded on *The Queen's Case*, 2 Br. & Bing. 284, is given, to the effect that the writing must be introduced and its contents proved in the ordinary way before the witness can be questioned as to its contents. The sound rule, supported by *Randolph* v. *Woodstock*, 35 Vt. 291, 295, is to allow the question whether a different statement has not been made by the witness in a letter, and only require proof of contents in the ordinary way if the answer is not accepted. As the value of such a course is apparent, it might be found expedient to raise the question in a jurisdiction where it is open. In § 232, however, it is noticed that the rule has been changed in England by statute. It is probable, therefore, that the author did not consider it wise to take up the question, interesting as it is as a matter of principle. E. S.